

IN THE U.S. PATENT AND TRADEMARK OFFICE

Application No.: 09/620,053

Group Art Unit: 2416

Filing Date: July 20, 2000

Examiner: Ian N. Moore

Appellant: Yang CAO

Title: APPARATUS AND METHOD FOR SYNCHRONOUS AND ASYNCHRONOUS
SWITCHING OF INTERNET PROTOCOL TRAFFIC

Attorney Docket: 129250-000971/US

APPELLANT'S REPLY BRIEF ON APPEAL

MAIL STOP APPEAL BRIEF - PATENTS

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

December 28, 2008

ARGUMENTS:

A. The Combination of Chang '412 And Chang '757 As a Whole Does Not Disclose The Routing Of IP Traffic Based On An ATM Service Category.

(1) claims 1-10, 12-23, 25-31, 33-38 and 40-42

Regarding claims 1-10, 12-23, 25-31, 33-38 and 40-42 the Examiner states that the Appellant has incorrectly considered the combined system of Chang '412 and Chang '757 individually, instead of as a whole. The Appellant disagrees.

In his previous Brief the Appellant argued that neither Chang '412 nor Chang '757 discloses or suggests the routing of IP traffic *based on an ATM service category*. By so stating the Appellant explicitly considered the combination of both references as a whole and determined that such a combination lacked the feature of routing IP traffic *based on an ATM service category*.

Further, the Examiner appears to acknowledge the shortcomings of Chang '412 and Chang '757 and raises a new ground of rejection on appeal by combining Chang '412 and Chang '757 with a standard referred to as RFC 2381. Appellant does not presently have a copy of the standard to rebut the Examiner's positions. That said, Appellant notes that the claims are directed at the routing of IP traffic based on an ATM service category not the mapping of IP traffic to ATNM service categories as apparently set forth in this newly cited reference.

Regarding the type check 24, the Examiner's comments (page 24) appear to bolster the Appellant's position that the type check 24 determines whether an optical signal is an ATM or STM signal without taking into consideration the ATM service level of any traffic type much less IP traffic.

Finally, the Appellant believes the Examiner is still erroneously equating the phrase "real time" traffic with the phrase "real time-VBR" traffic. In general, as explained previously, the former phrase is typically equated with STM traffic while the latter is an ATM service category.

In sum, it is respectfully submitted that claims 1-10, 12-23, 25-31, 33-38 and 40-42 are not rendered obvious by the combination of Chang '412 and Chang '757 because this combination does not disclose or suggest the routing of IP traffic depending on an ATM service category.

(2) claims 28 and 33

It is respectfully submitted that nothing in the Examiner's Answer sufficiently rebuts the Appellant's position that Dail does not disclose the reservation of bandwidth for *IP* traffic.

Conclusion:

Appellants respectfully request that members of the Board reverse the decision of the Examiner and allow claims 1-10, 12-23, 25-31, 33-38 and 40-42.

The Commissioner is authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,
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